

REMARKS

Claims 25-43 are pending in this application.

Applicant would like to thank the Examiner for his consideration during the telephone conference of January 9, 2008. During that conference, the Examiner indicated that the section 102(e) rejection was likely inadvertent and that he would issue a new Office Action.

The Examiner has rejected claims 25-43 under 35 U.S.C. § 102(e) over Balasubramaniam. (Office Action, Oct. 4, 2007, p. 2.) Applicant respectfully disagrees. The Examiner acknowledges that Balasubramaniam does not teach all of the features of applicant's claims. In particular, the Examiner acknowledges that Balasubramaniam does not teach "determine parameters of the execution environment of the client." To cure this deficiency, the Examiner relies on Platt as teaching this recited feature. (*Id.*, p. 4.) Applicant respectfully submits that a section 102(e) rejection cannot be based on a combination of references or on a single reference that does not disclose all the features of the claims.

Although the section 102(e) rejection is clearly improper, applicant would like to make the following observations.

Applicant previously requested clarification as to whether Balasubramaniam's web pages or Balasubramaniam's plug-in corresponded to the claimed software component. In response the Examiner stated that "[i]t is further noted for further clarity that web pages of Balasubramaniam contains [sic] the software components." (Office Action, Oct. 4, 2007, p. 7.) Thus, the Examiner is making it clear that he believes that Balasubramaniam's web pages, rather than Balasubramaniam's plug-in, correspond to the claimed software component.

Applicant is puzzled by the Examiner's position. Balasubramaniam describes a technique in which a server serves web pages developed specifically to be displayed by Microsoft's Internet Explorer. If a client that is executing Netscape's Navigator requests

a web page (an originally requested web page) from that server, the web page may not be displayed correctly by Navigator. When the server receives a request from a client executing Navigator, the server apparently sends a web page to the client with code to determine whether the client has a certain plug-in installed. The plug-in helps to display web pages developed for Internet Explorer. The code notifies the server of the determination. If the client has the plug-in installed, the server sends the originally requested web page to the client so that it can be displayed using the plug-in. If the client does not have the plug-in installed, the server sends a "second web page" to the client "from which the user can download the plug-in." (Balasubramaniam, 6:44-47.) The second web page controls the installing of the plug-in at the client. After the plug-in is installed, the user is prompted to restart Navigator and "visit the server computer ... web page" to verify successful installation. The server then sends another web page to the client that contains code that transfers program execution to the plug-in so that web pages developed for Internet Explorer can be displayed at the client with Navigator.

Given the Examiner's correspondence of Balasubramaniam's web pages to the claimed software component, it is clear Balasubramaniam does not teach or suggest the interaction of the elements of applicant's claims. Presumably, the Examiner believes that Balasubramaniam's originally requested web page corresponds to applicant's software component and that Balasubramaniam's second web page corresponds to applicant's launch page. Balasubramaniam second web page, however, does not have code that "determine[s] whether the software component can successfully execute in the execution environment of the client" as recited, for example, by claim 25. Balasubramaniam's second web page is downloaded precisely because the server has determined that the client does not have the plug-in installed, meaning that the originally requested web page will not executed correctly. Thus, Balasubramaniam's second web page would have no reason to make such a determination.

Moreover, claim 25 recites that code of the launch page sends a request to download a software component "when it is determined that the software component

can successfully execute." Balasubramaniam's second web page downloads the plug-in when the originally requested web page cannot execute successfully. In addition, Balasubramaniam's second web page does not download the originally requested web page as would be required if it corresponded to applicant's launch page. Rather, the second web page downloads the plug-in, which the Examiner believes does not correspond to the claimed software component.

Applicant respectfully requests reconsideration of this application and its early allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned attorney at (206) 359-8548. Please charge any deficiencies or credit any overpayments to our Deposit Account No. 50-0665, under Order No. 418268862US1 from which the undersigned is authorized to draw.

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